

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION**

RORY DAVIS,

Petitioner,

vs.

MICHAEL FLETCHER,

Respondent.

**CV-18-16-H-BMM-JTJ**

**ORDER**

United States Magistrate Judge John T. Johnston entered his Amended Findings and Recommendations in this case on April 18, 2018, recommending dismissal of Petitioner Rory Davis's petition for writ of habeas corpus under 28 U.S.C. § 2254. (Doc. 19.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston found, and this Court agrees, that this matter should be dismissed because Davis has not filed an individual petition for habeas corpus

relief as directed. Davis is precluded from filing his request for habeas relief en masse with other petitioners. Thus, his petition will be dismissed without prejudice.

The Court has reviewed Judge Johnston's Findings and Recommendations for clear error. The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

**IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 19), are **ADOPTED IN FULL**.

**IT IS ORDERED** that Davis's Petition (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**.

**IT IS ORDERED** that the Clerk of Court shall enter a judgment of dismissal.

**IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**.

DATED this 23rd day of July, 2018.



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Brian Morris  
United States District Court Judge